

children by members of the same race; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MEMORIAL RESOLUTIONS

S.R. 173 - By Senator Snelson: Memorial resolution for Dr. John Duncan McDaniel.

S.R. 174 - By Senator Snelson: Memorial resolution for Cleveland Thurman "Cleve" Jones, Sr.

S.R. 175 - By Senator Snelson: Memorial resolution for Harold Hall Carr.

S.R. 176 - By Senator Snelson: Memorial resolution for William L. Watters.

CONGRATULATORY RESOLUTIONS

S.R. 170 - By Senators Andujar, Creighton and Meier: Extending congratulations to Joe L. Matthews for his lifetime of work for the public good.

S.R. 172 - By Senator Snelson: Extending congratulations to Mr. and Mrs. Robert L. Blair on the occasion of their 50th Wedding Anniversary.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:29 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, February 26, 1973.

TWENTY-SIXTH DAY (Monday, February 26, 1973)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Absent-excused: Longoria and Snelson.

A quorum was announced present.

The Reverend Jerry Jay Smith of Northwest Hills United Methodist Church, Austin, Texas, offered the invocation as follows:

We are grateful that we have safely returned from our appointments and

travels of the days just past to this place of deliberations. Grant us clear minds and give us wisdom that these might be teamed with our strong desire to serve our state. Bless the decisions and actions that will be done in this place this day. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 22, 1973, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Snelson was granted leave of absence for today on account of illness on motion of Senator Sherman.

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Hightower.

SENATE RESOLUTION 187

Senator Hightower offered the following resolution:

WHEREAS, It is a privilege for the Members of the Senate of Texas to pay tribute to one of our most distinguished colleagues on the occasion of his 46th birthday; and

WHEREAS, February 26, 1927 was the memorable day when Senator Tom Creighton first drew breath in Mineral Wells, Texas; the strength of his lungs gave an early indication that he was destined to become a politician; and

WHEREAS, Tom Creighton is a law graduate of the University of Texas at Austin; he served as a seaman in the United States Navy during World War II; he began his political career in 1952 when he was elected County Attorney of Palo Pinto County; he held this position until 1960 when he was elected to the Texas Senate; and

WHEREAS, He now ranks fifth in seniority in the Senate and has established an outstanding record of service; he has actively sponsored and supported major legislation on topics ranging from higher education and student tuition to state election laws and water conservation; he has served as chairman of Senate committees on Game and Fish, Election Laws, Privileges and Elections, Water and Conservation, and Natural Resources; he has been named as a member of the Appropriations Committee for the fourth time; and presently presides as Chairman of the Economic Development Committee; and

WHEREAS, In 1965, he was honored by his colleagues in the Senate who elected him as President Pro Tempore; during his tenure, he had the privilege of acting as Governor during the absence of the Governor and Lt. Governor from the state; and

WHEREAS, Throughout his successful career as a legislator, attorney and rancher, Tom Creighton has had the unwavering support and companionship of his lovely wife and childhood sweetheart, Sue; they have three handsome sons, Will, Kenny and Mark; now, therefore, be it

RESOLVED, That the Senate of the 63rd Legislature take this opportunity to wish our esteemed and affable colleague, Senator Tom Creighton of Mineral Wells, Palo Pinto County, Texas, a very happy birthday; and to express to him our sincere good wishes for many more to come; and be it further

RESOLVED, That a copy of this Resolution be prepared and presented to him as a token of our affection, and as a memento of this occasion.

HIGHTOWER
HARRIS

The resolution was read and was adopted.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 26, 1973

Honorable W. P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 47, Congratulating Wiley College upon the celebration of its 100th year of contribution to the educational growth of American youth.

H.B. 8, A bill to be entitled An Act relating to contribution, loans, and expenditures for campaigns for the office of Speaker of the House of Representatives; providing penalties for violation; amending Title 87, Revised Civil Statutes of Texas, 1925, by adding Article 5428a, and declaring an emergency.

H.B. 88, A bill to be entitled An Act relating to reform of civil suits based on negligence; establishing a system of comparative negligence and modifying existing rules as to the effect of contributory negligence; providing for simplification of the process of submitting issues to the jury; providing for contribution among certain joint tort-feasors; amending the "guest statute," Section 1, Chapter 225, Acts of the 42nd Legislature, Regular Session, 1931 (Article 6701b, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

REPORT OF STANDING COMMITTEE

Senator Creighton submitted the following report for the Committee on Economic Development:

C.S.S.B. 102 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S.B. 340, A bill to be entitled An Act relating to alternative rates of interest authorized with regard to certain credit transactions; amending Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-1.01, et seq., Vernon's Texas Civil Statutes); providing for severability and declaring an emergency.

To Committee on Economic Development.

By Senators Mauzy, Aikin and Snelson:

S.B. 352, A bill to be entitled An Act amending the Texas Education Code relating to the Teacher Retirement System of Texas; amending Section 3.25 of said Code by changing the enumeration of subsection (c) thereof to become subsection (d) and inserting a new subsection (c) allowing retired members to reinstate active membership under certain conditions; amending subsection (b) of Section 3.31 of said Code, by removing the 30 day waiting period for retiring on optional retirement benefits and requiring application for retirement on an

option to be in writing; further amending Section 3.31 by adding a new subsection (g) permitting revocation of retirement applications, allowing selection, revocation or change of optional benefits at any time before retirement, and prohibiting such revocation or changes after retirement except as otherwise specifically provided by law; amending subsection (b) of Section 3.34 of said Code to add grandchildren to the list of persons eligible to receive death benefits in excess of the accumulated contributions of a member; amending Section 3.36 of said Code by adding new subsections (f), (g) and (h) thereto to provide for a modified cash refund of accumulated member contributions less retirement benefits paid upon the death of a retired member or beneficiary of a retired member in certain instances; amending Section 3.38 of said Code by adding a new subsection (e) thereto, providing adjustment of benefits allowable to certain persons with 20 to 24 years of service who retired before age 60; adding a new Section 3.39 to subchapter C of Chapter 3 of said Code providing that the Retirement System may at the retired member's option deduct from retirement benefits the cost of Medicare premiums and transmit such sums to the federal government; adding a new Subsection (c) to Section 3.55 of said Code authorizing the State Board of Trustees, upon the advice of an actuary, to transfer additional interest income into the retired reserve fund sufficient to establish reserves to pay retired members and beneficiaries; declaring the act to be severable; and declaring an emergency.

To Committee on Education.

By Senator Mengden:

S.B. 353, A bill to be entitled An Act providing for the filing of a financial report by every elected and appointed public official of this state; providing for penalties for violations of this Act; and declaring an emergency.

To Committee on State Affairs.

By Senator Mengden:

S.B. 354, A bill to be entitled An Act amending Title 17, Chapter 5, Penal Code of Texas, 1925, by adding an Article 1391a relating to the breaking and entering of a private residence at night; providing a penalty; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mengden:

S.B. 355, A bill to be entitled An Act relating to discharging firearms and other weapons from a motor vehicle or a building or on public roads; amending Section 1, Chapter 3, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 480a, Vernon's Texas Penal Code); providing penalties; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks:

S.B. 356, A bill to be entitled An Act relating to the provision of educational opportunities in junior colleges for certain disadvantaged persons; amending Chapter 130, Texas Education Code, by adding Subchapter I; and declaring an emergency.

To Committee on Education.

By Senator Brooks:

S.B. 357, A bill to be entitled An Act relating to programs of teacher training for the teaching of certain disadvantaged students in the public junior colleges; amending Chapter 61, Texas Education Code, by adding Section 61.0631; and declaring an emergency.

To Committee on Education.

By Senator Brooks:

S.B. 358, A bill to be entitled An Act relating to the purposes of public

community colleges; amending Section 130.003, Texas Education Code, as amended, by adding Subsection (e); and declaring an emergency.

To Committee on Education.

By Senator Schwartz:

S.B. 359, A bill to be entitled An Act declaring a moratorium on the sale or leasing of the surface estate in state-owned submerged lands, beaches, and islands under any existing laws of this state; amending Chapter 21, Acts of the 61st Legislature, Second Called Session, 1969 (Article 5415f, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Natural Resources.

By Senator Schwartz:

S.B. 360, A bill to be entitled An Act relating to payment of benefits under insurance policies providing hospital, nursing, medical, or surgical coverage; amending Chapter 3, Insurance Code, as amended, by adding Article 3.42B; and declaring an emergency.

To Committee on Economic Development.

By Senator Adams:

S.B. 361, A bill to be entitled An Act authorizing the board of regents of Stephen F. Austin State University to sell and convey certain land; and declaring an emergency.

To Committee on State Affairs.

By Senator Mauzy:

S.B. 362, A bill to be entitled An Act amending Section 16.80, Texas Education Code to authorize and require "dormant school districts" as redefined herein to be consolidated to adjoining district or districts; providing for exceptions in county-wide district and hardship situation determinations; providing certain methods for consolidation in proper cases and where the county school board or commissioners court timely fails to act; providing for the preservation of accredited 12-grade school district systems; permitting consolidation or annexation pursuant to existing laws prior to date becoming dormant; and declaring an emergency.

To Committee on Education.

By Senator Mauzy:

S.B. 363, A bill to be entitled An Act relating to the denial, refusal, suspension, or revocation of the licenses of certain insurance agents; amending Subsection (a), Section 10, Article 21.07, Texas Insurance Code, as amended; amending Subsection (a), Section 12, Article 21.07-1, Texas Insurance Code, as amended; and declaring an emergency.

To Committee on Economic Development.

By Senator Jones:

S.B. 364, A bill to be entitled An Act relating to the composition, election, and powers, with reference to technical and vocational programs, of the Coordinating Board, Texas College and University System; amending Section 61.022, Texas Education Code; amending Subdivisions (7) and (11) of, and adding Subdivision (14) to, Section 61.003, Texas Education Code; amending Subsections (b) and (c), Section 61.051, Texas Education Code; amending Subsections (a) and (b), Section 135.03, Texas Education Code; amending Subsections (a) and (c), Section 135.04, Texas Education Code; amending Section 31.37, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Ogg:

S.B. 365, A bill to be entitled An Act relating to the use of sick leave and leave without pay by teachers during and after pregnancy; amending Section

13.904, Texas Education Code, by adding Subsection (e); and declaring an emergency.

To Committee on Education.

By Senator Ogg:

S.B. 366, A bill to be entitled An Act relating to campaign expenditures by candidates for certain public offices; placing limits on the amount of expenditures on behalf of a candidate for governor, lieutenant governor, or attorney general; requiring certain communications media accepting advertising on behalf of candidates subject to the expenditure limitations to file reports of expenditures made with the media; fixing civil and criminal penalties for violations; amending the Texas Election Code by adding Section 239a; and declaring an emergency.

To Committee on State Affairs.

By Senator Adams:

S.B. 367, A bill to be entitled An Act relating to the authority of local government units with regard to planning, constructing, and operating bicentennial expositions; amending the Interlocal Cooperation Act (Article 4413 (32c), Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Gammage:

S.B. 368, A bill to be entitled An Act relating to the prescription of amphetamines for certain purposes as grounds for refusal, cancellation, revocation, or suspension of a license to practice medicine; amending Article 4505, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

S.B. 369, A bill to be entitled An Act relating to the disposition of fines assessed for violation of pharmacy laws; amending Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended, by adding Section 21a; and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

S.B. 370, A bill to be entitled An Act relating to requiring certain nonprescription drugs to be sold only on prescription; repealing Sections 8 and 8A, Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Human Resources.

By Senators Gammage and Harrington:

S.B. 371, A bill to be entitled An Act relating to the use of generic names for prescription drugs; amending Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 4542a, Vernon's Texas Civil Statutes), by adding Sections 5A and 8A; repealing Subsection (h), Section 12, Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 4542a, Vernon's Texas Civil Statutes), relating to the substitution of drugs by pharmacists in prescriptions; and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

S.B. 372, A bill to be entitled An Act relating to the dispensing of prescription drugs; providing penalties; and declaring an emergency.

To Committee on Human Resources.

By Senator Herring:

S.B. 373, A bill to be entitled An Act authorizing the Texas Department of Corrections to grant temporary furloughs to inmates to obtain medical treatment and to attend to family emergencies; adding a new Article 42.12, Section 36, Code of Criminal Procedure; adding a new Article 6184M Revised Civil Statutes of Texas; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Herring:

S.B. 374, A bill to be entitled An Act relating to eliminating the requirement that expenditures from the Special Game and Fish Fund must be based on verified vouchers; amending Section 6, Chapter 297, Acts of the 50th Legislature, 1947 (Article 4386b, Vernon's Texas Civil Statutes); amending Section 7, Chapter 370, Acts of the 55th Legislature, Regular Session, 1957 (Article 895c, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Herring:

S.B. 375, A bill to be entitled An Act relating to allocating certain unrefunded motor fuel tax receipts from motorboat fuels to the special boat fund; providing for uses for the special boat fund; providing for transfer of funds; amending Section (6a), Article 9.13, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended; amending Subsection (c), Section 27, Chapter 971, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1722a, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Finance.

By Senator Wallace:

S.B. 376, A bill to be entitled An Act relating to multi-peril policies of insurance; amending Chapter 5, Insurance Code, by adding a new Subchapter I; and declaring an emergency.

To Committee on Economic Development.

By Senator Mengden:

S.B. 377, A bill to be entitled An Act relating to the punishment for first offense possession of cannabis, amending Section 23, Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code), and declaring an emergency.

To Committee on Jurisprudence.

By Senator Creighton:

S.B. 378, A bill to be entitled An Act relating to the use of substandard brick products; providing penalties; and declaring an emergency.

To Committee on Human Resources.

By Senator Schwartz:

S.B. 379, A bill to be entitled An Act relating to the incorporation, organization, and regulation of cooperative associations; providing penalties; providing for severability; and declaring an emergency.

To Committee on Economic Development.

By Senator Ogg:

S.B. 380, A bill to be entitled An Act requiring the licensing, inspection, and regulation of medical care facilities; providing for certificates of need; providing for regulations, enforcement procedures, and penalties for the violation thereof; repealing Chapter 223, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 4437f, Vernon's Texas Civil Statutes); and repealing acts inconsistent therewith; providing a severability clause; and declaring an emergency.

To Committee on State Affairs.

By Senator Ogg:

S.J.R. 16, Proposing an amendment to Article VIII of the Texas Constitution limiting the yearly increase in evaluation of single - or - multiple - residences.

To Committee on State Affairs.

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committees indicated:

H.B. 165, To Committee on Education.

H.B. 262, To Committee on Human Resources.

H.B. 130, To Committee on Jurisprudence.

H.B. 8, To Committee on Jurisprudence.

H.B. 88, To Committee on Jurisprudence.

COMMUNICATION FROM STATE BAR OF TEXAS

The following communication from the State Bar of Texas was read and referred to the Committee indicated:

February 22, 1973

Senator Charles Herring
Perry Brooks Building
Austin, Texas 78701

Dear Senator:

The State Bar of Texas has appointed Robert C. McGinnis of Austin, Texas to serve as a member of the State Judicial Qualifications Commission as provided in Article V, Sec. 1-a of the Texas Constitution.

We will appreciate your taking the required action seeking formal confirmation of this appointment.

Sincerely,
H. C. PITTMAN

To Committee on Jurisprudence.

COMMUNICATION FROM COORDINATING BOARD TEXAS COLLEGE AND UNIVERSITY SYSTEM

February 23, 1973

Mr. Charles Schnabel
Secretary of the Senate
State Capitol, Office No. 218
Austin, Texas 78711

Dear Mr. Schnabel:

Senate Resolution 25, adopted June 4, 1971 during the First Called Session of the 62nd Legislature, directed to Coordinating Board, Texas College and University System, to make a study of upper-level institutions and to report the results of that study to the 63rd Texas Legislature. We are pleased to

enclose for your consideration that report, entitled **UPPER-LEVEL INSTITUTIONS: A REPORT TO THE TEXAS LEGISLATURE**, which was published in April 1972. We commend this study to you for your careful consideration.

Recent inquiries on the part of some members of both Houses of the Legislature indicate that questions still exist about the Coordinating Board's attitude toward upper-level colleges in general and the University of Texas of Permian Basin and The University of Texas at Dallas in particular. The Coordinating Board believes its study cited above clearly indicates that upper-level institutions can be successful and will save the State money through avoidance of unnecessary duplication, both of instructional efforts and facilities.

In regard to the University of Texas of Permian Basin, the Coordinating Board recommended on September 16, 1968, an upper-level institution in the Midland-Odessa area. The recommendation specifically stated:

"That there be authorized in 1969, for an initial enrollment in September, 1973 of 800 students, an institution to be located in the Midland-Odessa area, designed to accept only junior, senior and master's collegiate level men and women; and that the public junior colleges in Odessa and Big Spring be expected to enlarge their college transfer classes in direct support of the new upper-level senior institution."

It should be pointed out that since that recommendation was made, two additional junior colleges have been created in the general region - Western Texas College at Snyder and Midland College at Midland.

In regard to The University of Texas at Dallas, the Coordinating Board made the following recommendation in 1968:

"That there be authorized in 1969, for an initial enrollment in September, 1973 of 1,800 students, an upper-level senior institution to be located in the Dallas metropolitan area, primarily to serve commuter students and offering programs only for juniors, seniors, and graduate level men and women.

The college is to be in direct support of the Dallas and Tarrant County Junior College Systems.... (Adopted December 3, 1968)"

At its regular quarterly meeting on April 23, 1971, the Coordinating Board reaffirmed its position in regard to upper-level institutions in general and specifically the upper-level institutions in the Permian Basin and in Dallas. The pertinent part of the resolution says:

"The Coordinating Board reaffirms its conviction that this is a valid new approach to higher education and that the upper-level institutions in the Permian Basin and Dallas should be maintained at that level. There is some opinion to the contrary that these might be four-year institutions, but at this point we reaffirm our stand that they should be upper-level institutions only."

The Coordinating Board has not changed its recommendation on these two institutions and still believes that they should be maintained as originally authorized by the Legislature.

We also should point out that operational costs for the addition of freshman and sophomore work at these two institutions would represent only a part of the total cost. Unavoidably, authorization for the addition of two more years of work will carry with it a commitment of State funds for the construction of additional facilities to accommodate students in these two classes. These additional facilities would be needed either immediately or in the future, and legislation authorizing the institution to accept freshmen and sophomores would definitely commit the State to support the construction of facilities which would duplicate excellent facilities already existing in junior colleges in these two areas.

This information on upper-level institutions is respectfully submitted for consideration of the honorable members of the Texas Legislature.

Respectfully yours,
BEVINGTON REED
Commissioner

Enclosure

The communication was read and filed with the Secretary of the Senate.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 153 ON SECOND READING**

Senator Harris asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 153 for consideration at this time.

Pursuant to the provisions of S.R. 115, a combination of absent/objecting Members prevented the consideration of C.S.S.B. 153.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 82

SENATE BILL 218 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 218, A bill to be entitled An Act amending Section 130.005 of the Texas Education Code to permit the boards of trustees of each junior college district to change the name of such district by substituting the word "community" in lieu of the word "junior"; etc.; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 218 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 218 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Jones and Mengden.

Absent-excused: Longoria and Snelson.

The President then laid the bill before the Senate on its third and final passage.

The bill was read third time and passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban,

Schwartz, Sherman, Traeger, Wallace and Wolff.

Absent-excused: Longoria and Snelson.

**COMMITTEE SUBSTITUTE SENATE BILL 144
ON SECOND READING**

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 144, A bill to be entitled An Act relating to the fees to be paid to the State Board of Barber Examiners for renewal and issuance of certificates of registrations and examinations; amending Subsection (G) of Section 3, Subsections (f) and (h) of Section 9, Subsection (b) of Section 14, Sections 20, 20a, and 23, and adding Section 23a, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code); providing an effective date; and declaring an emergency.

The bill was read second time and passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 144
ON THIRD READING**

Senator Hightower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 144 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman and Traeger.

Nays: Adams, Jones, Mengden, Wallace and Wolff.

Absent-excused: Longoria and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 9.

Yeas: Andujar, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Moore, Patman, Santiesteban, Schwartz and Traeger.

Nays: Adams, Aikin, Blanchard, Braecklein, Mengden, Ogg, Sherman, Wallace and Wolff.

Absent-excused: Longoria and Snelson.

SENATE BILL 188 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 188, A bill to be entitled An Act amending Subchapter B, Chapter 86, Title 3, Texas Education Code, so as to add a new Section 86.24 authorizing the Board of Directors of the Texas A and M University System to levy and collect from each student compulsory group hospital fees at Texas A and M University; etc.; and declaring an emergency.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 188 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 188 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Clower, Creighton, Gammage, Harris, Hightower, Kothmann, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Brooks, Harrington, Herring, Jones and Mauzy.

Absent-excused: Longoria and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed

RECORD OF VOTE

Senators Ogg, Herring, Harrington, Brooks, Blanchard, Braecklein, Mauzy, Adams and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 67 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 67, A bill to be entitled An Act relating to property tax exemptions for property of a nonprofit corporation owned and held for use in the development of a medical center in which the nonprofit corporation has donated land for a medical, dental, or nursing school or for another medical and educational institution, and not used for profit; etc.; and declaring an emergency.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 7.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Clower, Harrington, Hightower, Jones, Kothmann, McKinnon, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Brooks, Creighton, Gammage, Harris, Herring, Mauzy and Meier.

Absent-excused: Longoria and Snelson.

**MOTION TO PLACE SENATE BILL 67
ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 67 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 9.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Clower, Harrington, Hightower, Kothmann, McKinnon, McKnight, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Brooks, Creighton, Gammage, Harris, Herring, Jones, Mauzy, Meier and Mengden.

Absent-excused: Longoria and Snelson.

SENATE BILL 224 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 224, A bill to be entitled An Act authorizing the transfer of unencumbered balances of current appropriations made to the Coordinating Board, Texas College and University System to the Texas Education Agency; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 224 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read three several days be suspended and that S.B. 224 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Jones and Mengden.

Absent-excused: Longoria and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Absent-excused: Longoria and Snelson.

SENATE BILL 116 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 116, A bill to be entitled An Act relating to the treatment of pediculosis; adding Section 3a to Chapter 178, Acts of the 49th Legislature, 1945, as amended (Article 4477-1, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill.

Amend S.B. 116 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. The State Department of Health shall establish and develop a state program for the control and eradication of pediculosis of a minor. This program may include procedures for detection and instructions for treatment of same.

"Section 2. A parent or guardian of a minor who has been found to have pediculosis shall follow the instructions of the State Department of Health or shall place the minor under the care of a licensed physician for the purpose of treating the infestation of pediculosis of a minor.

"Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend S.B. 116 by striking all above the enacting clause and substituting in lieu thereof the following:

"A BILL

TO BE ENTITLED

An Act relating to the duty of the State Department of Health to develop and carry out a program to provide for the control and eradication of pediculosis of a minor."

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 116 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 116 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Jones and Mengden.

Absent-excused: Longoria and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 103 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 103, A bill to be entitled An Act relating to the deposit of money in a county treasury; amending Article 1657, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Ogg asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 103 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 103 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Blanchard, Jones, McKinnon and Mengden.

Absent-excused: Longoria and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE RESOLUTION 189

Senator Mengden offered the following resolution:

WHEREAS, The citizens of Texas and Members of the Texas Senate are extremely happy and relieved that a successful conclusion of the war in Vietnam has been attained; and

WHEREAS, One of the most welcome and heartwarming consequences of the conclusion of the war is that the many Americans who have been held as prisoners of war by the Viet Cong and North Vietnamese are returning to their homeland where life, liberty, and the pursuit of happiness shall again be theirs; and

WHEREAS, These valiant men have given so very much for their country and for the ideals for which it stands; they have served with the bravery, courage, honor, and sincerity of true patriots and heroes which they surely are; and

WHEREAS, Serving during difficult times and under severe circumstances, these great Americans have distinguished themselves in the eyes of their fellow citizens and earned the love and respect of all Americans; and

WHEREAS, A number of the Americans held as prisoners of war in Vietnam were the sons of Texas; their families, friends, and all Texans have hoped and prayed for their safe return to their homes in the Lone Star State; the magnificent cities, the quiet rural areas, the piney woods, the West Texas plains, the hill country, the blackland prairies, and the coastal plains have all awaited their return to Texas; and

WHEREAS, The Texas Senate and all the citizens of Texas wish to pay tribute to all of the American former prisoners of war and especially to those who are returning to their homes in Texas, and to commend these brave men who have served their country with honor and distinction; now, therefore, be it

RESOLVED by the Senate of the 63rd Legislature, That by this Resolution the Americans who were prisoners of war in Southeast Asia be and are hereby commended for their devoted service to their country and welcomed back to the United States and Texas; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for each former prisoner of war who returns to his home in Texas as an expression of the pride of the Texas Senate in these heroes of America.

On motion of Senator Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Mengden, the resolution was adopted.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Gammage and by unanimous consent, Senator Harrington will be shown as Co-author of S.B. 371.

MEMORIAL RESOLUTIONS

S.C.R. 43 - By Senator Hightower: Memorial resolution for Ed Foster, Jr.

S.R. 181 - By Senator Blanchard: Memorial resolution for Larry Jack Stevens.

S.R. 182 - By Senator Herring: Memorial resolution for James Wooten McClendon.

S.R. 183 - By Senator Herring: Memorial resolution for Howard E. Johnson.

S.R. 185 - By Senator Blanchard: Memorial resolution for Winston Phillips Brummett, Jr.

S.R. 186 - By Senator McKinnon: Memorial resolution for Calvin Huff.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 47 - Extending congratulations to Wiley College on its 100th Anniversary.

S.R. 177 - By Senator Adams: Extending congratulations to The Edward D. (Eddie) Melasky Family on selection as Nacogdoches Farm Family of the Year.

S.R. 178 - By Senator Adams: Extending congratulations to Palestine High School "Wildcat" Band.

S.R. 179 - By Senator Adams: Extending congratulations to Miss Almetrice Burrell.

S.R. 180 - By Senator Creighton: Extending congratulations to Sam Cleveland.

S.R. 184 - By Senator Aikin: Extending welcome to Mrs. Charlie Hickman, et al.

S.R. 188 - By Senator Clower: Extending welcome to Robert Swann, et al.

S.R. 190 - By Senators Wolff and Kothmann: Extending welcome to The United Hospital Workers.

S.R. 191 - By Senator Aikin: Extending welcome to James Farris.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:38 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-SEVENTH DAY (Tuesday, February 27, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Harrington, Harris, Herring, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Gammage, Hightower and Jones.

A quorum was announced present.